

REMARKS

All the pending claims stand rejected as of the final office action mailed May 21, 2004. Independent claim 1 stands rejected under §103(a) over Ruszczyk (US Pat. 5,889,993) in view of Joshi (US Pat 6,006,017). Independent claims 15, 17, 21, 35, 41, and 43 stand similarly rejected.

As reiterated in the Advisory Action mailed September 16, 2004, the rejection relies on Joshi to provide features including "adapting a rate of polling associated with said session according to said monitoring [of data transmitted by the communication sessions in response to the polling]." The Examiner's position in support of the rejection is that in Joshi inactive stations are polled as a group using a "general poll" while active stations are polled more frequently and specifically, and therefore Joshi teaches the recited "adapting" of a polling rate by moving stations between the active and inactive states.

The Applicant's representative, J. Robin Rohlicek, thanks Examiner Volper for conducting telephone interviews regarding the application on December 1, 2004, and December 28, 2004. For the December 28, 2004, interview the applicant's representative provided a draft amendment of claim 1, which corresponds to claim 1 as amended herein. This amendment requires that the "adapting the polling pattern" include:

- for at least some of the communication sessions adapting a rate of polling associated with said session according to said monitoring by
  - reducing the rate of polling for the session in response to the monitored transmissions for that session corresponding to a reduction in a rate of transmission for that session, and
  - increasing the rate of polling for the session in response to the monitored transmissions for that session corresponding to an increase in the rate of transmission for that session

The Examiner agreed that Joshi does not disclose or suggest increasing the rate of polling for a session in response to the monitoring of transmissions for that session. In Joshi, stations can make a transition from an inactive state to an active state by responding to a general poll message. However, in Joshi acting on the response to a general poll message from a previously inactive station does not constitute "increasing the rate of polling for the session in response to

Applicant : Aura Ganz et al.  
Serial No. : 09/502,143  
Filed : February 11, 2000  
Page : 12 of 12

Attorney's Docket No.: 07880-126001

the monitored transmissions for that session corresponding to an increase in the rate of transmissions for that session" as required by the claim.

Independent claims 15, 17, 21 and 35 have also been amended and are allowable to reasons related to those outlined above for amended claim 1.

Claims 41-46 have been cancelled.

Enclosed is a \$510 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Feb. 14, 2005

J. Robin Rohlicek

J. Robin Rohlicek, J.D., Ph.D.  
Reg. No. 43,349

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906